

REMARKS

Claims 1-54 are pending in the present application. Claims 1, 11, 12, 14-17, 21, 23-28, 30, 38, 43, 45-50, and 52-54 are amended. Reconsideration of the claims is respectfully requested.

I. 35 U.S.C. § 102, Anticipation

The Office Action rejects claims 1-6, 18-20, 30-34, 40-42, and 52 under 35 U.S.C. § 102 as being anticipated by *Moezzi et al.* (US Patent No. 5,850,352). This rejection is respectfully traversed.

With respect to claims 1-6, 18-20, 30-34, 40-42, and 52, the Office Action states:

As per claims 1, 30, and 52, Moezzi teaches a method, an apparatus, and a computer program product, in a computer readable medium of a data processing system (see col. 7, lines 8-10), comprising: rendering a three-dimensional environment (see col. 1, lines 37-43 and col. 24, lines 34-35); receiving shared data (see col. 47, lines 49-61) including orientation information (see col. 28, lines 28-31; col. 29, lines 34-40; and col. 31, lines 9-13) from a server (see col. 51, lines 15-20; col. 53, lines 50-52); and displaying a virtual representation of the shared data in the three-dimensional environment based on the orientation information (see col. 49, lines 51-57; col. 51, lines 24-30; and col. 58, lines 62-65).

Office Action, dated November 21, 2003. Applicant respectfully disagrees. *Moezzi* teaches creating immersive video from multiple video views. Virtual video scene images are synthesized based on computerized video processing, called "hypermosaicing," of multiple video perspectives on a scene. Multiple video cameras provide two-dimensional images of the scene. A viewer specifies viewing criterion and a computer builds a three-dimensional dynamic model recording scene objects and their instant spatial locations. See *Moezzi*, Abstract.

In contradistinction, the present invention provides a technique for participants to share information while navigating a virtual three-dimensional environment. Claim 1, as amended, recites:

1. A method in a data processing system, comprising:
rendering a three-dimensional environment on a client computer associated with a first participant to form a rendered three-dimensional environment;

receiving shared data from a client computer associated with a second participant, wherein the shared data includes information to be shared between the second participant and the first participant and orientation information that indicates where in the three-dimensional environment the second participant wishes to present the shared data; and displaying a virtual representation of the shared data in the rendered three-dimensional environment on the client computer associated with the first participant based on the orientation information.

Thus, the present invention allows a first participant to view a rendered three-dimensional environment and shared data from a second participant is displayed within the rendered three-dimensional environment on a client computer associated with the first participant based on orientation information received from the second participant.

Mozzi does not teach or suggest "receiving shared data from a client computer associated with a second participant, wherein the shared data includes information to be shared between the second participant and the first participant and orientation information that indicates where in the three-dimensional environment the second participant wishes to present the shared data," as recited in claim 1. *Moezzi* does not allow a second participant to share information with a viewer of the synthesized scene. *Moezzi* does not allow a second participant to send shared data to the viewer.

The Office Action alleges that *Moezzi* teaches receiving shared data. The cited portion of *Moezzi* states:

Interestingly, humans, as supported by present-day military computer systems, already recognize the great utility of sharing tactical information on a theater of warfare basis. In particular, the Naval Tactical Data System (NTDS)--now almost forty years old--permits sharing of the intelligence data developed from many separate sensor platforms (ships, planes, submarines, etc.).

It may be essential that computers that operate autonomously or semi-autonomously during warfare should be allowed to likewise share and assimilate sensor information, particularly including video data, from multiple spatially separated platforms.

Moezzi, col. 47, lines 49-61. Thus, *Moezzi* generally teaches that computers may be allowed to share sensor information including video data. However, *Moezzi* does not specifically teach or suggest receiving information to be shared from a second participant

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and displaying the shared information within a rendered three-dimensional environment on a client computer of a first participant, as recited in claim 1.

The Office Action also alleges that *Moezzi* teaches receiving orientation information from a second participant. The cited portions of *Moezzi* state:

These filters include, merging of overlapping bounding boxes, hard limits of orientation and elongation, distance from expected features etc.

Moezzi, col. 28, lines 28-31.

When their positions and orientations are fixed, cameras can be calibrated before processing the video data using methods such as those described by Tsai and Lenz. See R. Y. Tsai and R. K. Lenz, A new technique for fully autonomous and efficient 3D robotics hand/eye calibration, IEEE Transactions on Robotics and Automation, 5(3):345-58, June 1989.

Moezzi, col. 29, lines 34-40.

For an orientation criteria a variety of possibilities exist. For instance, direction of object motion, that view in which a face is most evident, or the view in which the object is located closest to the center of the frame.

Moezzi, col. 31, lines 9-12. These cited portions of *Moezzi* generally teach orientation with respect to objects in the environment being synthesized. That is, the orientation of cameras and the orientation of objects being viewed by the cameras. However, *Moezzi* fails to teach or suggest receiving shared data including orientation information from a client computer associated with a second participant, wherein the orientation information indicates where in the three-dimensional environment the second participant wishes to present the shared data, as recited in claim 1.

Since the applied reference fails to teach or fairly suggest each and every claim limitation, claim 1 is not anticipated by *Moezzi*. Independent claims 30 and 52 recite subject matter addressed above with respect to claim 1 and are allowable for the same reasons. Since claims 2-6, 18-20, 31-34, and 40-42 depend from claims 1 and 30, the same distinctions between *Moezzi* and the invention recited in claims 1 and 30 apply for these claims. Additionally, claims 2-6, 18-20, 31-34, and 40-42 recite other additional combinations of features not suggested by the reference.

More particularly, with respect to claim 6, the Office Action states:

As per claim 6, Moezzi further teaches wherein the two-dimensional data comprises one of a word processing document, a spreadsheet document, and a presentation document (see col. 11, lines 26-29).

Office Action, dated November 21, 2003. Applicant respectfully disagrees. The cited portion of *Moezzi* states:

The system further includes multiple video cameras each at a different spatial location. Each of these multiple video cameras serves to produce a two-dimensional video image of the real-world scene at a different spatial perspective.

Moezzi, col. 11, lines 26-29. Neither the cited portion nor any other portion makes any mention of receiving shared data from a second participant, where the shared data comprises one of a word processing document, a spreadsheet document, and a presentation document. In other words, *Moezzi* fails to teach or suggest displaying a virtual representation of a word processing document, spreadsheet document, or presentation document within a rendered three-dimensional environment. Since the applied reference fails to teach or fairly suggest each and every claim limitation, claim 6 is not anticipated by *Moezzi*.

Therefore, Applicant respectfully requests withdrawal of the rejection of claims 1-6, 18-20, 30-34, 40-42, and 52 under 35 U.S.C. § 102.

Furthermore, *Moezzi* does not teach, suggest, or give any incentive to make the needed changes to reach the presently claimed invention. *Moezzi* actually teaches away from the presently claimed invention because it teaches synthesizing a three-dimensional environment based entirely upon actual images of the environment, as opposed to displaying outside information within a rendered three-dimensional environment, as in the presently claimed invention. Absent the Office Action pointing out some teaching or incentive to implement *Moezzi* to present shared information within a rendered three-dimensional scene, one of ordinary skill in the art would not be led to modify *Moezzi* to reach the present invention when the reference is examined as a whole. Absent some teaching, suggestion, or incentive to modify *Moezzi* in this manner, the presently claimed

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invention can be reached only through an improper use of hindsight using the Applicant's disclosure as a template to make the necessary changes to reach the claimed invention.

The Office Action rejects claims 28, 50, and 54 under 35 U.S.C. § 102 as being anticipated by *Chan et al.* (US Patent No. 6,346,938). This rejection is respectfully traversed.

With respect to claims 28, 50, and 54, the Office Action states:

As per claims 28, 50, and 54, teaches a method, an apparatus, and a computer program product, in a computer readable medium of a data processing system, comprising: rendering a three-dimensional environment from the perspective of a first participant, the three-dimensional environment including an avatar representing a second participant; receiving a selection of the avatar from the first participant; receiving a selection of a file to be transferred from the first participant; and transferring the file to a client computer associated with the second participant (see col. 8, lines 11-28 and col. 23, lines 1-13).

Office Action, dated November 21, 2003. Applicant respectfully disagrees. *Chan* teaches providing virtual user navigation through multiple size and aspect views of a three-dimensional geometric model of a scene. A user may navigate a "bird's eye" view of the scene and an inset display presents a "down inside the scene" perspective. See *Chan*, Abstract.

In contradistinction, the present invention provides a tool within a graphical user interface for transferring files between participants that are navigating a three-dimensional environment. Claim 28, as amended, recites:

28. A method in a data processing system, comprising:
- presenting a graphical user interface on a client computer associated with a first participant;
 - rendering a three-dimensional environment from the perspective of the first participant in the graphical user interface to form a rendered three-dimensional environment, the three-dimensional environment including an avatar representing a second participant;
 - receiving a selection of the avatar from the first participant in the graphical user interface;
 - receiving a selection, in the graphical user interface, of a file to be transferred from the client computer associated with the first participant; and
 - transferring the file to a client computer associated with the second participant.

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Thus, the present invention presents a graphical user interface within which a three-dimensional environment is presented. The present invention allows a first participant to select the avatar of a second participant using the graphical user interface and transfer a specified file to the second participant.

The Office Action alleges that *Chan* teaches receiving a selection of an avatar, receiving a selection of a file to be transferred to a participant associated with the avatar, and transferring the file to the participant. The cited portions of *Chan* state:

This combination of user location within the virtual 3D image world 44 and user viewing orientation may be termed user location/orientation. The user icon 46 is a software generated object that is superimposed on the displayed image and represents the user's location/orientation within one or more views 47 of the displayed model. Such visual representations are sometimes referred to in virtual reality literature as 'avatars'. To navigate through the scene the user moves or re-orientes the icon 46 (thereby changing the user location) within the scene.

As the user manipulates the image, an interpolation mechanism 51 is controllably accessed to supply control information to a view camera operator 52, outputs of which are coupled to the view 47, and a renderer 53. The renderer 53 is employed to create or draw the 3D scene 44 and to render the view 47, while the view is coupled to a viewport 54, which defines the overview and in-scene presentations of the image to the display 45.

Chan, col. 8, lines 11-28.

10. A method according to claim 9, wherein step (c) comprises operating said user interface to locate said second user viewing location in said second image, locating a look-at location in said second image so as to define said second in-scene viewing direction from said second user viewing location in said second image of said second 3D model perspective of said object, and thereafter effecting movement through said second image, from said first user viewing location to said second user viewing location, while displaying said look-at location of said second image as viewed while traveling along a navigation path from said first user viewing location to said second user viewing location.

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Chan, col. 23, lines 1-13. While these cited portions do mention the word "avatar," no portion of *Chan* makes any mention of displaying an avatar associated with a second participant, receiving a selection of the avatar, and transferring a selected file to the second participant, as recited in claim 28. *Chan* appears to teach a mechanism for a single user to navigate a particular scene; therefore, *Chan* does not contemplate a second participant or performing any action between two participants.

Since the applied reference fails to teach or fairly suggest each and every claim limitation, claim 28 is not anticipated by *Chan*. Independent claims 43 and 54 recite subject matter addressed above with respect to claim 28 and are allowable for the same reasons. Therefore, Applicant respectfully requests withdrawal of the rejection of claims 28, 50, and 54 under 35 U.S.C. § 102.

II. 35 U.S.C. § 103, Obviousness

The Office Action rejects claim 7 under 35 U.S.C. § 103 as being unpatentable over *Moezzi* in view of *Durst et al.* (US Patent No. 5,933,829). This rejection is respectfully traversed.

With respect to claim 7, the Office Action states:

Moezzi teaches all the limitation of claim 7, except wherein the two-dimensional data comprises a uniform resource locator. Durst teaches wherein the two-dimensional data comprises a uniform resource locator. Durst teaches wherein the two-dimensional data comprises a uniform resource locator (see col. 5, lines 10-12). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to emply the teachings of Durst within the system of Moezzi by implementing two-dimensional data comprising a uniform resource locator within the data processing method, apparatus, and program because Durst teaches that whatever data included within a code depends on the "application desired by the vendor" (see col. 4, lines 59-60), therefore the two-dimensional data may comprise any information preferred by the vendor and does not functionally relate to the steps recited.

Office Action, dated November 21, 2003. Applicant respectfully disagrees. Claim 7 is allowable at least by virtue of its dependence upon claims 1 and 2. *Durst* does not provide for the deficiencies of *Moezzi*. *Durst* does indeed teach a universal resource locator (URL). However, *Moezzi* and *Durst*, taken alone or in combination, fail to teach

or fairly suggest displaying a virtual representation of information associated with a URL that is shared between a second participant and a first participant, wherein the virtual representation is displayed within a rendered three-dimensional environment, as recited in claim 7.

Furthermore, there is no motivation in the prior art for combining *Moezzi* and *Durst*. *Moezzi* is directed to synthesizing a three-dimensional environment from multiple two-dimensional images. *Durst* is directed to associating bar codes with URLs and automatically launching a Web browser when a bar code is scanned. See *Durst*, col. 2, lines 12-38. The prior art, when considered as a whole, fails to provide any incentive for combining synthesis of three-dimensional environments with bar codes or Web pages. In fact, even assuming, *arguendo*, that a person of ordinary skill in the art would have found some incentive to combine these two disparate teachings, the combination would not form the presently claimed invention.

Moreover, the Office Action may not use the claimed invention as an "instruction manual" or "template" to piece together the teachings of the prior art so that the invention is rendered obvious. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). Such reliance is an impermissible use of hindsight with the benefit of Applicant's disclosure. *Id.* Therefore, absent some teaching, suggestion, or incentive in the prior art, *Moezzi* and *Durst* cannot be properly combined to form the claimed invention. As a result, absent any teaching, suggestion, or incentive from the prior art to make the proposed combination, the presently claimed invention can be reached only through the an impermissible use of hindsight with the benefit of Applicant's disclosure as a model for the needed changes.

Therefore, Applicant respectfully requests withdrawal of the rejection of claim 7 under 35 U.S.C. § 103.

The Office Action rejects claims 8, 9, 35, and 36 under 35 U.S.C. § 103 as being unpatentable over *Moezzi et al.* in view of *Paulini et al.* (US Patent No. 5,224,160). This rejection is respectfully traversed.

With respect to claims 8, 9, 35, and 36, the Office Action states:

As per claims 8, 9, 35, and 36, *Moezzi* does not explicitly teach of further comprising executing an external plug-in application to decode the shared data to form the virtual representation of the shared data. *Paulini*

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teaches of an external plug-in application to decode the shared data to form the virtual representation of the shared data (see col. 6, line 63 to col. 7, line 32). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Paulini within the system of Moezzi by implementing external plug-in application to decode the shared data within the data processing method, apparatus, and program because this would enable the system to be administered by a central server thereby eliminating each user device to possess its own copy of the application and resulting in decreased cost and universal implementation.

Office Action, dated November 21, 2003. Applicant respectfully disagrees. Claims 8, 9, 35, and 36 are allowable at least by virtue of their dependence upon claims 1 and 30. Paulini does not provide for the deficiencies of Moezzi. Paulini does indeed teach a plug-in application. However, Moezzi and Paulini, taken alone or in combination, fail to teach or fairly suggest displaying a virtual representation of information that is shared between a second participant and a first participant within a rendered three-dimensional environment by executing an external application, as recited in representative claim 8.

Furthermore, there is no motivation in the prior art for combining Moezzi and Paulini. Moezzi is directed to synthesizing a three-dimensional environment from multiple two-dimensional images. Paulini is directed to a process for checking the integrity and security of programs. See Paulini, Abstract. The prior art, when considered as a whole, fails to provide any incentive for combining synthesis of three-dimensional environments with plug-in applications. In fact, even assuming, *arguendo*, that a person of ordinary skill in the art would have found some incentive to combine these two disparate teachings, the combination would not form the presently claimed invention.

Moreover, the Office Action may not use the claimed invention as an "instruction manual" or "template" to piece together the teachings of the prior art so that the invention is rendered obvious. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). Such reliance is an impermissible use of hindsight with the benefit of Applicant's disclosure. *Id.* Therefore, absent some teaching, suggestion, or incentive in the prior art, Moezzi and Paulini cannot be properly combined to form the claimed invention. As a result, absent any teaching, suggestion, or incentive from the prior art to make the proposed combination, the presently claimed invention can be reached only through the

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an impermissible use of hindsight with the benefit of Applicant's disclosure as a model for the needed changes.

Therefore, Applicant respectfully requests withdrawal of the rejection of claims 8, 9, 35, and 36 under 35 U.S.C. § 103.

The Office Action rejects claims 10 and 37 under 35 U.S.C. § 103 as being unpatentable over *Moezzi* and *Paulini*, and further in view of *Hall et al.* (US Patent No. 6,138,119). This rejection is respectfully traversed.

With respect to claims 10 and 37, the Office Action states:

Moezzi and Paulini do not explicitly teach wherein he shared data includes a wrapper application and the step of executing an external application comprises executing the wrapper application. Hall teaches wherein the shared data includes a wrapper application and the step of executing an external application comprises executing the wrapper application (see col. 9, lines 52-56). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Hall within the system of Moezzi and Paulini by implementing wrapper application within the data processing method, apparatus, and program because Hall teaches that wrappers are employed to control compatibility, "thereby limiting flexibility and the ability to customize". In the case of sharing data among plurality of remote users, wrapper allows for variations in the devices or programs to be compatible.

Office Action, dated November 21, 2003. Applicant respectfully disagrees. Claims 10 and 37 are allowable at least by virtue of their dependence upon claims 8 and 36. *Hall* does not provide for the deficiencies of *Moezzi* and *Paulini*. *Hall* does indeed teach a wrapper application. However, *Moezzi*, *Paulini*, and *Hall*, taken alone or in combination, fail to teach or fairly suggest displaying a virtual representation of information that is shared between a second participant and a first participant within a rendered three-dimensional environment by receiving shared data with a wrapper application and executing the wrapper application, as recited in claims 10 and 37.

Furthermore, there is no motivation in the prior art for combining *Moezzi*, *Paulini*, and *Hall*. *Moezzi* is directed to synthesizing a three-dimensional environment from multiple two-dimensional images. *Paulini* is directed to a process for checking the integrity and security of programs. See *Paulini*, Abstract. *Hall* is directed to manipulating rights management data structures. See *Hall*, Abstract. The prior art, when considered as a whole, fails to provide any incentive for combining synthesis of three-

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dimensional environments with a process for checking the integrity and security of programs and manipulation of rights management of data structures. In fact, even assuming, *arguendo*, that a person of ordinary skill in the art would have found some incentive to combine these three disparate teachings, the combination would not form the presently claimed invention.

Moreover, the Office Action may not use the claimed invention as an "instruction manual" or "template" to piece together the teachings of the prior art so that the invention is rendered obvious. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). Such reliance is an impermissible use of hindsight with the benefit of Applicant's disclosure. *Id.* Therefore, absent some teaching, suggestion, or incentive in the prior art, *Moezzi*, *Paulini*, and *Hall* cannot be properly combined to form the claimed invention. As a result, absent any teaching, suggestion, or incentive from the prior art to make the proposed combination, the presently claimed invention can be reached only through the an impermissible use of hindsight with the benefit of Applicant's disclosure as a model for the needed changes.

Therefore, Applicant respectfully requests withdrawal of the rejection of claims 10 and 37 under 35 U.S.C. § 103.

The Office Action rejects claims 11-17, 21-27, 38, 39, 43-49, and 53 under 35 U.S.C. § 103 as being unpatentable over *Moezzi* in view of *Dawson* (US Patent No. 5,727,155). This rejection is respectfully traversed.

With respect to claims 11 and 38, the Office Action states:

A per claims 11 and 38, *Moezzi* does not explicitly teach of further comprising: performing a modification to the shared data; generating a shared data update event indicating the modification; and sending the shared data update event to the server. *Dawson* teaches of performing a modification to the shared data (see col. 2, lines 35-38); generating a shared data update event indicating the modification (see col. 7, lines 15-19 and col. 11, lines 40-44). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of *Dawson* within the system of *Moezzi* by implementing performing a modification to the shared data; generating a shared data update event indicating the modification; and sending the shared data update event to the server within the data processing method, apparatus, and program because *Moezzi* teaches that for future updating, any changes should be propagated to ensure consistency (see col. 27, lines 5-8).

Office Action, dated November 21, 2003. Applicant respectfully disagrees. Claims 11 and 38 are allowable at least by virtue of their dependence upon claims 1 and 30. *Dawson* does not provide for the deficiencies of *Moezzi*. *Dawson* does indeed teach dynamically controlling a remote system's access to a selected application of a host computer system and performing modifications applications at the host system. See *Dawson*, Abstract. However, *Moezzi* and *Dawson*, taken alone or in combination, fail to teach or fairly suggest performing modifications to shared data that is displayed within a rendered three-dimensional environment, as recited in claims 11 and 38.

Furthermore, there is no motivation in the prior art for combining *Moezzi* and *Dawson*. *Moezzi* is directed to synthesizing a three-dimensional environment from multiple two-dimensional images. *Dawson* is directed to a process for controlling a remote system's access to programs at a host system. The prior art, when considered as a whole, fails to provide any incentive for combining synthesis of three-dimensional environments with a process for controlling a remote system's access to programs at a host system, because there are no programs at a host system that may be modified by a remote system in *Moezzi*. In fact, even assuming, *arguendo*, that a person of ordinary skill in the art would have found some incentive to combine these two disparate teachings, the combination would not form the presently claimed invention.

Moreover, the Office Action may not use the claimed invention as an "instruction manual" or "template" to piece together the teachings of the prior art so that the invention is rendered obvious. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). Such reliance is an impermissible use of hindsight with the benefit of Applicant's disclosure. *Id.* Therefore, absent some teaching, suggestion, or incentive in the prior art, *Moezzi* and *Dawson* cannot be properly combined to form the claimed invention. As a result, absent any teaching, suggestion, or incentive from the prior art to make the proposed combination, the presently claimed invention can be reached only through the an impermissible use of hindsight with the benefit of Applicant's disclosure as a model for the needed changes.

With respect to claim 12, the Office Action states:

As per claim 12, *Moezzi* does not explicitly teach wherein the shared data includes access control information indicating an access control level for a user. *Dawson* teaches wherein the shared data includes

access control information indicating an access control level for a user (see claim 21 rejection below).

Office Action, dated November 21, 2003. Applicant respectfully disagrees. Claim 12 is allowable at least by virtue of its dependence upon claim 1. *Dawson* does not provide for the deficiencies of *Moezzi*. *Dawson* does indeed teach dynamically controlling a remote system's access to a selected application of a host computer system and performing modifications applications at the host system. See *Dawson*, Abstract. However, *Moezzi* and *Dawson*, taken alone or in combination, fail to teach or fairly suggest displaying shared data within a rendered three-dimensional environment based on access control information, as recited in claim 12. *Moezzi* only teaches presenting information that is gathered from a plurality of cameras and synthesized into a three-dimensional environment. There is no need in *Moezzi* for access control information, because there is only one participant and no data is shared between participants.

Independent claims 21, 43, and 53 recite subject matter addressed above with respect to claim 12 and are allowable for at least the same reasons. Since claims 13-16, 22-27, and 44-49 depend from claims 12, 21, and 43, the same distinctions between *Moezzi* and *Dawson* and the invention recited in claims 12, 21, and 43 apply for these claims. Additionally, claims 13-16, 22-27, and 44-49 recite other additional combinations of features not suggested by the reference.

With respect to claims 17 and 39, the Office Action states:

As per claims 17 and 39, *Moezzi* further teaches of displaying a modified representation of the modified data in the three-dimensional environment (see col. 27, lines 40-43 and col. 28, lines 36-43), but *Moezzi* does not teach of further comprising: receiving a shared data update event indicating a modification to the shared data; and modifying the shared data according to the shared data update event to form modified data. *Dawson* teaches of receiving a shared data update event indicating a modification to the shared data (see claim 11 rejection above); and modifying the shared data according to the shared data update event to form modified data (see column 11 rejection above).

Office Action, dated November 21, 2003. Applicant respectfully disagrees. Claims 17 and 39 are allowable at least by virtue of their dependence upon claims 1 and 30. *Dawson* does not provide for the deficiencies of *Moezzi*. *Dawson* does indeed teach dynamically controlling a remote system's access to a selected application of a host

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computer system and performing modifications applications at the host system. See *Dawson*, Abstract. However, *Moezzi* and *Dawson*, taken alone or in combination, fail to teach or fairly suggest displaying shared data **within a rendered three-dimensional environment** and receiving and displaying **modifications** to the shared data, as recited in claims 17 and 39. *Moezzi* only teaches presenting information that is gathered from a plurality of cameras and synthesized into a three-dimensional environment. There is no need in *Moezzi* for displaying modifications to shared data, because there is only one participant and no data is shared between participants.

Therefore, Applicant respectfully requests withdrawal of the rejection of claims 11-17, 21-27, 38, 39, 43-49, and 53 under 35 U.S.C. § 103.

The Office Action rejects claims 29 and 51 under 35 U.S.C. § 103 as being unpatentable over *Chan* in view of *Dawson*. This rejection is respectfully traversed.

With respect to claims 29 and 51, the Office Action states:

Chan teaches all the limitations of claims 29 and 51 except of further comprising: sending a transfer request to the second participant; receiving an acceptance from the second participant; wherein the step of transferring the file to a client computer is performed in response to receiving the acceptance. Dawson teaches of sending a transfer request to the second participant (see col. 2, lines 5-10); receiving an acceptance from the second participant (see col. 11, lines 40-44); wherein the step of transferring the file to a client computer is performed in response to receiving the acceptance (see col. 11, lines 40-44).

Office Action, dated November 21, 2003. Applicant respectfully disagrees. Claims 29 and 51 are allowable at least by virtue of their dependence upon claims 28 and 50. *Dawson* does not provide for the deficiencies of *Chan*. *Dawson* does indeed generally teach transferring data between computer systems. See *Dawson*, Abstract. However, *Moezzi* and *Dawson*, taken alone or in combination, fail to teach or fairly suggest transferring files between participants using a graphical user interface that displays a **rendered three-dimensional environment**, as recited in claims 29 and 51.

The Office Action alleges that *Dawson* teaches transferring a file from a first participant to a second participant responsive to receiving an acceptance from the second participant. The cited portion of *Dawson* states:

If the remote system is accorded unlocked access,
then the sensor application in the host system sends a signal

to the remote system indicating that inputs by the remote user which modify a shared application should be transmitted to the host system, step 540.

Dawson, col. 11, lines 40-44. This cited portion of *Dawson* teaches sending a signal to the remote system indicating that inputs should be transmitted. Neither the cited portion nor any other portion of *Dawson* teaches or suggests "receiving an acceptance from the second participant" and "wherein the step of transferring the file to a client computer is performed in response to receiving the acceptance," as recited in claims 29 and 51.

Furthermore, there is no motivation in the prior art for combining *Chan* and *Dawson*. *Chan* is directed to presenting a three-dimensional environment. *Dawson* is directed to a process for controlling a remote system's access to programs at a host system. The prior art, when considered as a whole, fails to provide any incentive for combining presentation of three-dimensional environments with a process for controlling a remote system's access to programs at a host system, because there are no programs at a host system that may be modified by a remote system in *Chan*. In fact, even assuming, *arguendo*, that a person of ordinary skill in the art would have found some incentive to combine these two disparate teachings, the combination would not form the presently claimed invention.

Moreover, the Office Action may not use the claimed invention as an "instruction manual" or "template" to piece together the teachings of the prior art so that the invention is rendered obvious. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). Such reliance is an impermissible use of hindsight with the benefit of Applicant's disclosure. *Id.* Therefore, absent some teaching, suggestion, or incentive in the prior art, *Chan* and *Dawson* cannot be properly combined to form the claimed invention. As a result, absent any teaching, suggestion, or incentive from the prior art to make the proposed combination, the presently claimed invention can be reached only through the an impermissible use of hindsight with the benefit of Applicant's disclosure as a model for the needed changes.

Therefore, Applicant respectfully requests withdrawal of the rejection of claims 29 and 51 under 35 U.S.C. § 103.

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III. Conclusion

It is respectfully urged that the subject application is patentable over the prior art of record and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: February 23, 2004

Respectfully submitted,



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